APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,266	12/12/2001	Michael Wayne Brown	AUS290010825US1	1753

7590	03/16/2004	EXAMINER
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ART UNIT	PAPER NUMBER
2642	

DATE MAILED: 03/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-33_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-33_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
         application from the International Bureau (PCT Rule 17.2(a)).
   * See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application)
   since a specific reference was included in the first sentence of the specification or in an Application Data Sheet.
   37 CFR 1.78.
   a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific
   reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)	4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) ☐ Notice of Informal Patent Application (PTO-152)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _4_ .	6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 9-10, 14-17, 22-23 and 25 are rejected under 35 U.S.C. 102(b) as

being anticipated by Shtivelman (US 6,157,655).

As for claim 1, Shtivelman discloses a method for estimating wait times within a

hold queue (See Summary of the Invention, Col. 4, lines 35-36) comprising, estimating

a plurality of call times individually for a plurality of calls within a call center (or

communication center 51) (See Summary of the Invention, Col. 4, lines 37-48);

positioning a particular call received from a caller at said call center within a hold queue

(as read on "designated call in the call-waiting queue") (See Summary of the Invention,

Col. 4, lines 36-37); and estimating a wait time in said hold queue for said particular call

according to said plurality of call times individually estimated for said plurality of calls

within said call center (as read on *N, total calls in queue* and *Th, average time handling*

each call) (See Description of the Preferred Embodiments, Col. 10, lines 60-67 and Col.

11, lines 1-20).

As for claim 2, Shtivelman discloses the method as claimed, wherein estimating

a plurality of call times further comprises, estimating said plurality of calls according to

an average time per representative (See Summary of the Invention, Col. 4, lines 62-67

and Col. 5, lines 1-2).

As for claims 3, Shtivelman discloses the method as claimed wherein said

average time per representative is further specified according to a subject (or *agent*

skill) (See Fig. 3 and Description of the Preferred Embodiments, Col. 10, lines 1-11).

As for claim 4, Shtivelman discloses the method as claimed for estimating wait

times within a hold queue, wherein said average time per caller is further specified

according to an average time of a total call within said call center (See summary of the

Invention, Col. 4, lines 40-41).

As for claims 9-10 and 22-23, it is inherent from Shtivelman that a plurality of

calls are waiting in said hold queue (as read on *N, total calls in queue*) and that said

plurality of calls are assisted by a plurality of representatives (or *agents*) within said call

center (or *ACD*) (See Abstract, lines 1-4 and Description of the Preferred Embodiments,

Col 11, line 20)

Claims 14 and 25 are rejected for the same reasons as claim 1. It is inherent

from Shtivelman that a recording medium is used for the hold queue process (as read

on use of Stat-server) (See Description of the Preferred Embodiments, Col. 9, lines 27-

32).

Claim 15 is rejected for the same reasons as claim 2.

Claim 16 is rejected for the same reasons as claim 3.

Claim 17 is rejected for the same reasons as claim 4.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

Claims 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Eitel et al (US 5,933,828).

As for claim 31, Eitel et al. discloses a method for monitoring oh hold

characteristics, comprising, receiving monitored oh hold characteristics according to a

caller identifier (or *DNIS or ANI*) from at least one call center (or *ACD*) at said caller

which has was waited in a hold queue of a call center communicatively connected to a

caller profile server (See Detailed Description, Col. 3, lines 48-54 and 61-65), computing

on hold statistics for said caller across at least one call center from said monitored

characteristics in said caller profiles (See Detailed Description, Col. 3, lines 61-65); and

responsive to a request for said caller identifier, distributing said computed on hold

characteristics for said caller, such that call center is enabled to estimate hold times

within a hold queue compromising said caller (See Detailed Description, Col. 3, lines

66-67 and Col. 4, lines 1-5).

Eitel et al. teaches that this method can be applied among a plurality of call

center (or ACDs) (See Detailed Description, Col. 3, lines 19-24). It would have been

obvious to one of ordinary skill in the art to modify the invention to work with a plurality

of call centers and thus allowed the call to be handled more efficiently in case of a

heavy call work load.

Claims 32-33 are rejected for the same reasons as claim 31. Eitel et al.

discloses the use of a recording (as read *on stored in the database 40*) (See Detailed

Description, Col. 3, lines 64-65).

3.   Claims 6, 11-13, 19, 24, 26-27 and 30 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Shtivelman (US 6,157,655), as applied to claims1-3, 9-10, 14-

17, 22-23 and 25; and in view of Eitel et al. (US 5,933,828).

As for claim 12, Shtivelman discloses the method as claimed, except for the step

of authenticating a plurality of caller identifiers at a call center and receiving a plurality of

caller profiles associated with said plurality of caller identifiers, and wherein said

plurality of caller profiles comprise time averages for said plurality of callers while

previously on hold at at least one call center.

Eitel et al. teaches "Upon receipt of the call, a number of attributes of the received call (e.g., ANTI, DNIS, etc.) are transferred from the PSTN 20 to the ACD 22. The data fields may be forwarded to the server 36 for entry into the database 40 for purposes of call tracking and performance monitoring. A dialed number identification service (DNIS) number and/or a automatic number identification (ANI) (also sometimes, referred to as caller ID) may be received and be entered into the database 40 of the server 36 along with a uniquely generated call number. Other information about the call such as a trunk group number and trunk number may also be received and stored in the newly created call processing file. Further, where the incoming line is an 800 or 900 number where a caller cannot block a caller ID process, the data may also include indication that the caller has attempted to block the caller ID process. Information such as the ANTI number may be used by a processor of the ACD switch 22 to search the database 40 of the server 36 to identify the caller. Upon identifying the caller, other records of the database 40 may be searched to retrieve a customer file. An identifier of the customer file may also be placed in the call processing file. [...] While the call is in the queue, the processor of the ACD 22 periodically updates a timer measuring the total time that the call has been in the queue. The total time in the queue is also stored in the database 40 as part of the call processing history in the call file." (See Detailed Description, Col. 3, lines 33-65).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Shtivelman's invention by adding the step of authenticating a call identifier, retrieving a call profile associated with said call identifier,

and wherein call profile comprise the time the user has previously spent on hold, as taught by Eitel et al. In this manner providing a method for estimating times at a call center in which the queue history is used when calculating the average wait time for a particular caller, therefore providing more efficient call tracking and performance monitoring. Further, it is obvious that a call center will receive a plurality of calls and these estimations will be calculated based said plurality of calls (as read on "incoming calls")(See Detailed Description, Col. 3, lines 22-23).

As for claim 13, Eitel et al. discloses, the method as claimed wherein a caller profile (or *call file*) is received from at least one profile server (or *database 40*), wherein said at least one profile server is accessible to a call server (See Detailed Description, Col. 3, lines 61-67 and Col. 4, lines 1-5). Eitel et al. suggests that these can be applied to a plurality of caller profiles (as read on *"other records of the database 40 may be searched"*) (See Detailed Description, Col. 3, line 52) and profiles are available to a plurality of call centers (or *ACDs*) (See Detailed Description, Col. 3, lines 19-24).

Claims 6, 11, 19, 24, 26-27 and 30 are rejected for the same reasons as claims 12-13.

4.   Claims 5 and 18 rejected under 35 U.S.C. 103(a) as being unpatentable over Shtivelman (US 6,157,655), as applied to claims 1-3, 9-10, 14-17, 22-23 and 25; and in view of Katz (US 5,561,707).

Shtivelman discloses the method as claimed, except for activity participated in by a selection of said plurality of callers comprises a survey or a competition.

Katz teaches "In one operating process format, the public might be polled with

regard to locating the specific purchasers of a defective or dangerous product.

Alternatively, the public might be polled with objective of locating persons susceptible to

a specific ailment or disease. Public auctions of unprecedented participation are

possible. Legal lotteries are enabled that are interesting, effective and very economical

on an individual participant basis. The system also might be employed in various games

formats or to automate a promotion or mail-order operation, even to the extent of

including inventory control as detailed below." (See Detailed Description, Col. 3, lines

35-45).

Katz teaches that it is possible to add activities such as survey (or *polls*) and

competitions (or *games*) to a call center (or *ACD*), the information generated by the

callers can be stored and used later as statistical data. It would have been obvious to

one of ordinary skill in the art at the time the invention was made to modify Shtivelman

claimed invention as per Katz teachings and thus obtain a method for estimating wait

times in which statistics obtain from these activities can be used to isolate a select

group or subset of callers who can be readily identified and readily confirmed.

5.   Claims 7-8, 20-21 and 28-29 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Shtivelman (US 6,157,655), as applied to claims 1-3, 9-10, 14-17,

22-23 and 25; and in view of Ginsberg (US 6,064,730).

Shtivelman discloses the method as claimed, except for publishing said wait time

to an interface selected by said caller and publishing a plurality of criteria utilized to

estimated said plurality of call times.

As for claims 7-8, Ginsberg teaches "[...] a caller to have his interests better

served, the present invention enables a user to graphically view a representation of an

organization so as to learn information, such as, the identity, status, availability, and

waiting time, regarding a particular agent who is capable of addressing the user's

concerns. The user can then connect to an appropriate agent. In accordance with the

principles of the invention, a user first connects to a dynamic graphical display of the

organization. This display may include, for example, a map of the organizational

structure, and an indication of each agent and/or agent station, including whether the

station is manned and the length of the particular agent's queue. The graphical display

continuously receives updated information about the organization from one or more ·

databases, which may include queue information from the organization's PBX. Upon

selecting an agent to whom to be connected, a telephone link or other type of

communication link is opened between the caller and the selected agent. When the

user places himself on an agent's queue that information is provided to the PBX." (See

Summary of the Invention, Col. 2, lines 8-26).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify Shtivelman's claimed invention by adding an interface

selected by said caller for publishing said wait time (as read on *"a user first connects to*

a dynamic graphical display") and publishing a plurality of criteria utilized to estimated

said plurality of call times (as read on *"to learn information, such as, the identity, status, availability, and waiting time, regarding a particular agent"*), as taught by Ginsberg; thus in this manner providing the user with wait times information regarding a preferred agent or representative and keep the customer satisfied.

Claims 20-21 and 28-29 are rejected for the same reasons as claims 7-8.

Conclusion

6.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Flockhart et al. (US 5,684,872) teaches "In response to a call from a caller coming into the call center, the level of motivation of the caller for making the call is predicted prior to the call being answered". (See Summary of the Inevntion, Col. 2, lines 3-6).

Brown et al. (US 5,164,983) teaches "Each TC is typically linked to one or more data centers (DCs) in the complex. However, there may be some situations in which data centers are not included in a telemarketing complex. Each TC is equipped with an automatic call distributor (ACD) to receive calls and subsequently distribute those calls among groups of agents or attendants assigned to each location." (See Background of the Invention, Col. 2, lines 33-40).

Morganstein et al. (US 5,166,974) teaches a call processing apparatus for queuing calling parties waiting to be connected to a service position.

Hikawa (US 5,646,988) teaches a call registering apparatus within the incoming call controller store identification data of each particular calling subscriber or calling terminal receiving a busy signal.

Cuschleg, Jr. et al. (US 4,953,204) teaches methods and apparatus for queuing calls to a multilocation service provider having a plurality of automatic call distributors (ACDs).

Crockett (US 5,590,188) teaches a method, using a call processor, for selecting one of a plurality of call center in a telephone network.

Walker et al. teaches a priority call queuing system that allows the called site to exercise control over the position in a phone queue of an incoming call.

Friedes (US 5,444,774) teaches an interactive queuing system for call centers.

Polcyn (US 5,796,791) teaches a call management system that provides an interface between the user and a predictive dialer.

Lee (US 4,788,715) teaches that calls waiting in a queue to receive attendant service are informed of the expected waiting time prior to connection to an attendant.

Constantini et al. (US 5,506,898) teaches an improved estimated waiting time arrangement.

McDonald et al. (US 5,867,572) teaches estimating an approximate time for which a designated customer in a queue of customers may be required to wait for a serve.

Goldberg et al. (US 6,058,364) teaches a system that includes a database with a plurality of customer information stored within.

Hartmeier (US 5,864,616) teaches a display tool and a call distribution system

that provides queue and agent statistics.

Uppaluru (US 5,915,001) teaches the use of a caller's personal profile.

7.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Marie C. Ubiles whose telephone number is (703) 305-

0684. The examiner can normally be reached on 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ahmad Matar can be reached on (703) 305-4731. The fax phone number

for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is (703) 305-

3900.

Marie C. Ubiles
March 3rd, 2004.

                                                    AHMAD MATAR
                                                    SUPERVISORY PATENT EXAMINER
                                                    TECHNOLOGY CENTER 2600